

IN THE TIPPECANOE CIRCUIT COURT

CAUSE NO. 79C01-0511-PL-00060

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THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Default Judgment is **GRANTED** in favor of the Plaintiff, State of Indiana, and against the Defendants, Brian Baer and Kristy Blair.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to Indiana Code § 24-5-0.5-4(c)(1), the Defendants, Brian Baer and Kristy Blair, their agents, representatives, employees, successors and assigns are permanently enjoined from engaging in the following:

- a. representing expressly or by implication the subject of a consumer transaction has sponsorship, approval, characteristics, accessories, uses, or benefits it does not have which the Defendants know or should reasonably know it does not have;
- b. representing expressly or by implication the Defendants are able to deliver or complete the subject of the consumer transaction within a reasonable period of time, when the Defendants know or reasonably should know they cannot; and
- c. representing expressly or by implication a consumer will be able to purchase the subject of a consumer transaction as advertised by the Defendants, if the Defendants do not intend to sell it.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is entered for the Plaintiff, State of Indiana, and against the Defendants, Brian Baer and Kristy Blair, as follows:

- a. The contracts previously entered into by the Defendants with consumers, Kimberly Wood and Craig Staley, are cancelled pursuant to Ind. Code § 24-5-0.5-4(d).

- b. The Defendants shall pay consumer restitution, pursuant to Ind. Code § 24-5-0.5-4(c)(2) to Kimberly Wood of Wooster, Ohio, in the amount of Sixty-One and 50/100 Dollars (\$61.50), payable to the Office of the Attorney General.
- c. The Defendants shall pay consumer restitution, pursuant to Ind. Code § 24-5-0.5-4(c)(2) to Craig Staley of Irving, Texas, in the amount of Three Hundred Forty-Six and 50/100 Dollars (\$346.50), payable to the Office of the Attorney General.
- d. The Defendants shall pay the Office of the Attorney General its costs in investigating and prosecuting this action, pursuant to Ind. Code § 24-5-0.5-4(c)(3), in the amount of Five Hundred and Fifty-Five Dollars (\$555.00).
- e. The Defendants shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-4(g) for the Defendants' knowing violations of the Deceptive Consumer Sales Act, in the amount of Ten Thousand Dollars (\$10,000.00), payable to the State of Indiana.
- f. The Defendants shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-8 for the Defendants' intentional violations of the Deceptive Consumer Sales Act, in the amount of One Thousand Dollars (\$1,000.00), payable to the State of Indiana.

A total monetary judgment in the amount of Eleven Thousand Nine Hundred Sixty-Three Dollars (\$11,963.00) shall therefore be entered in favor of the Plaintiff, State of Indiana, and against the Defendants, Brian Baer and Kristy Blair.

All of which is **ORDERED, ADJUDGED AND DECREED** this 2nd day of February, 2006.



Judge, Tippecanoe Circuit Court

Distribution:

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